

In re Reissue Patent Application
for **Patent No. 5,711,100**
WILLIAM A. ELMER
Serial No. **10/098,648**
Filing Date: **March 15, 2002**

REMARKS

Applicant and undersigned thank the Examiner for the examination and guidance provided in the examination of this reissue application. Applicant believes this application is now in a condition for allowance. As noted in the Board of Appeals decision, Claims 1, 4-12, 18 and 26 are allowed. Claims 1, 2 and 4-26 remain in the case. Claim 3 has been cancelled as previously presented.

I. Drawings

The drawings of FIGS. 1, 1A and 3 are amended as guided by the Examiner to overcome objections to comply with 37 CFR 1.173. Replacement sheets are attached and identify the amend3ed drawings. As presented above, FIG. 1A is amended to add numeral 114 as supported by the specification Col 2, Line 60, and replace numeral 134 with numeral 137, as supported by Amendment filed May 19, 2006. FIG. 3 is amended to relocate designator line of numeral 180 from hood to roof, as supported by the specification Col 3, Line 45. No new matter is added by this amendment.

II. Litigation Status

In patent infringement litigation for William A. Elmer v. Goldenrod Pizza LLC, Case No. 6:01-CV-673-ORL-28GJK, the United States District Court, Middle District of Florida, Orlando Division, issued a stay in the case pending disposition by the United States Patent and Trademark Office of a Reissue Application for the US Patent No. 5,711,100 in suit.

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III. Reissue Declaration

The attached Reissue Declaration by the Inventor is herein submitted to overcome an earlier filed declaration found to be defective by the Examiner because it did not define all reasons for the reissue application..

IV. Claim Amendments Submitted with Appropriate Status Identifiers

As presented above, each claim is now presented with an appropriate status identifier. Further, Claims 1, 4-12, 18 and 26 were earlier allowed. Claims 2, 13-17, 19, 24 and 26 are amended as supported by the specification and to more clearly claim that which Applicant believes to be invention. Claims 1, 2 and 4-26 remain in the case.

V. Specification Amendment to Overcome New Matter Objection

The Examiner objects to the amendment filed May 19, 2006 because it introduces new matter. As indicated above, Column 2, Line 57- Column 3, Line 9 of the specification is amended. The earlier filed amendment responsive to the Office Action of March 9, 2004 included the addition of the following text:

Each magnet assembly 126 is coated with a scratch-resisting plastic material which extends across the bottom and over the edge of the assembly and is chosen to prevent both scratching of the vehicle's metallic surface and exposure of the metallic stand-off housing 134 (described below). The addition of text "extends across the bottom and over the edge of the assembly and" is no longer requested.

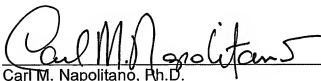
VI. Conclusion

Applicant believes that this application is now in a condition for allowance and passage to issue is therefore respectfully solicited. If the further prosecution of this

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application can be facilitated through a telephone interview between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

A handwritten signature in black ink, reading "Carl M. Napolitano", written over a horizontal line.

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